

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

400B0228

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB1037** - 2/19/98

Introduced by: The Committee on Health and Human Services at the request of the Department  
of Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to grant and modify the inspection powers of the Board of  
2 Nursing and the Board of Medical and Osteopathic Examiners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-9 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 After giving reasonable notice, any of the board's officers, agents, or employees so  
7 authorized, may enter and inspect, during business hours, any place, excluding personal  
8 residences not used for commercial nursing purposes, where the services of a registered nurse,  
9 a licensed practical nurse, a clinical nurse specialist or a nurse anesthetist who holds an active,  
10 inactive, lapsed, or disciplined license are performed, or any place, excluding personal residences  
11 not used for commercial nursing purposes, where records concerning these services are  
12 maintained or may request copies of these records at the board's expense, for the purpose of  
13 investigating alleged violations of § 36-9-49, 36-9-49.1, or 36-9-68. The inspection may include  
14 any pertinent books, records, papers, and documents, and the copying thereof. The board, its  
15 officers, agents, and employees shall maintain the confidential nature of any records obtained

1 pursuant to this section. The refusal to allow an inspection is a Class 1 misdemeanor.

2 Section 2. That § 36-9A-7 be amended to read as follows:

3 36-9A-7. ~~In administering the provisions of this chapter, the boards shall have those powers~~  
4 ~~granted them by § 36-4-22.1.~~ For the purposes of investigating claimed violations of § 36-9A-29,  
5 36-9A-30, 36-9A-32, or 36-9A-35, and after giving reasonable notice, any of the boards'  
6 officers, agents, or employees so authorized, may enter and inspect, during business hours, any  
7 place, excluding personal residences not used for commercial medical or nursing purposes, where  
8 the services of a nurse practitioner or a nurse midwife who holds an active, inactive, lapsed, or  
9 disciplined license are performed, or any place, excluding personal residences not used for  
10 commercial medical or nursing purposes, where records concerning those services are  
11 maintained, for the purpose of enforcing this chapter and rules adopted pursuant to this chapter.  
12 The inspection may include any pertinent books, records, papers, and documents, and the  
13 copying thereof. The boards, their officers, agents, and employees shall maintain as confidential  
14 any records obtained pursuant to this section. The refusal to allow an inspection is a Class 1  
15 misdemeanor.

1 **BILL HISTORY**

2 1/13/98 First read in House and referred to Judiciary. H.J. 26

3 1/21/98 Scheduled for Committee hearing on this date.

4 1/28/98 Scheduled for Committee hearing on this date.

5 1/28/98 Judiciary Do Pass Amended,.

6 1/28/98 Judiciary Deferred to another day.

7 1/30/98 Scheduled for Committee hearing on this date.

8 1/30/98 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 317

9 2/3/98 House of Representatives Do Pass Amended, Passed, AYES 64, NAYS 4. H.J. 367

10 2/4/98 First read in Senate and referred to Judiciary. S.J. 336

11 2/13/98 Scheduled for Committee hearing on this date.

12 2/13/98 Judiciary Deferred to another day.

13 2/18/98 Scheduled for Committee hearing on this date.

14 2/18/98 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 575